

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MARSHALL PACKAGING COMPANY,
LLC,

Plaintiff,

v.

NIAGARA DRINKING WATERS, INC.,
et al.,

Defendants.

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CIVIL ACTION NO. 6:09-CV-88

JURY

ORDER OF DISMISSAL

Before the Court is the Stipulated Motion for Dismissal of Plaintiff Marshall Packaging Company, LLC and Defendant and Counterclaim-Plaintiff Constar International Inc. (collectively “the settling parties”). The motion is GRANTED.

Accordingly, it is hereby ORDERED that:

1. All claims and counterclaims in the above-captioned action between the settling parties are hereby dismissed with prejudice.
2. Each party shall bear its own costs and attorneys’ fees.
3. This Court retains jurisdiction to enforce the parties’ Settlement Agreement.

So ORDERED and SIGNED this 13th day of October, 2009.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**